

REMARKS

Claims 1, 2, 11, 13, 21–24, and 29–34 are pending in this application. Claim 21 is currently amended.

The Examiner objects to the drawings. The Applicant respectfully disagrees with the Examiner and requests that the objections to the drawings be reconsidered and withdrawn.

First, the Examiner argues that the drawings do not show “the center part (9) being located below the annular construction.” Referring to claim 1, the central part (9) has an external diameter that is the same size or greater than the internal diameter of the annular constriction (7) and the central part (9) is located inside or below the annular constriction (7) when the packaging unit is in an initially sealed state. Referring to Fig 1a, it appears that, when the packaging unit is in an initially sealed state, the central part (9) is shown inside the annular constriction, as well as below the annular constriction.

Second, concerning claim 11, the Examiner argues that the drawings do not show that “the (17) or projection (18) rests on the constriction.” However, claim 11 features “flange-like projections (13) adapted to pass through the recesses (11) in the upper part (10) and abut the constriction (7).” This relationship between the flange-like projections (13) and the annular constriction (7) is shown in Figures 1a and 1b.

In light of the foregoing, the Applicant respectfully submits that the drawings show every feature of the invention specified in the claims and, therefore, the drawings comply with 37 CFR 1.83(a).

The claims of this application stand rejected under 35 U.S.C. 112, first paragraph. The Examiner argues that “if the center part (9) is located below the annular constriction, then it is not seen how the second container is retained in place until used. The Applicant respectfully disagrees with the Examiner and requests that the §112, first paragraph, rejection of the claims be reconsidered and withdrawn.

The standard for 35 U.S.C. 112, first paragraph, is whether a skilled person could practice the invention without undue experimentation. The presence of inoperative embodiments within the scope of a claim does not necessarily render a claim non-enabled.

The Applicant respectfully submits that one skilled in the art could very easily determine which embodiments of the present invention as claimed are operable. Therefore, the Applicant respectfully submits that one skilled in the art would be enabled to make and use the claimed invention.

The claims of this application stand rejected under 35 U.S.C. 112, second paragraph.

Regarding claim 1, for the reasons discussed hereinabove, the Applicant respectfully submits that the §112, first paragraph rejection of claim 1 should be reconsidered and withdrawn.

Regarding claim 2, the Examiner questions the use of the term “integral.” The Examiner refers to two decision of the BPAI. However, the Examiner does not establish whether the scope of the present claims is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. It is not a *per se* rule that “integral” is unclear.

“Integral,” *in re* Hotte, was sufficiently broad to embrace fastening and welding. Nonetheless, the Applicant respectfully submits that “integral,” *in re* the present application, is clear to one of ordinary skill in the art. The Applicant respectfully requests that the §112, first paragraph, rejection of claim 2 be reconsidered and withdrawn.

Regarding claims 11, 12, and 34, the Examiner questions the use of the terms “flange-like” and “barb-like.” The Examiner states that the term “like” is indefinite and then refers to the MPEP section regarding exemplary claim language (i.e., “for example” and “such as”). The actual claim language recites the phrases “flange-like projections” and “barb-like member.” Regarding the actual claim language, the Examiner does not establish whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. It is not a *per se* rule that the word “like” is unclear. In the present application, the Applicant submits that the phrases “flange-like projections” and “barb-like member” are clear to one of ordinary skill in the art. The Applicant respectfully submits that the §112, first paragraph, rejection of claims 11, 12, and 34 should be reconsidered and withdrawn.

Regarding claim 21, the Applicant respectfully requests that the §112, first paragraph, rejection of claim 21 be reconsidered and withdrawn in light of the foregoing amendment of claim 21.

Respectfully submitted,

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